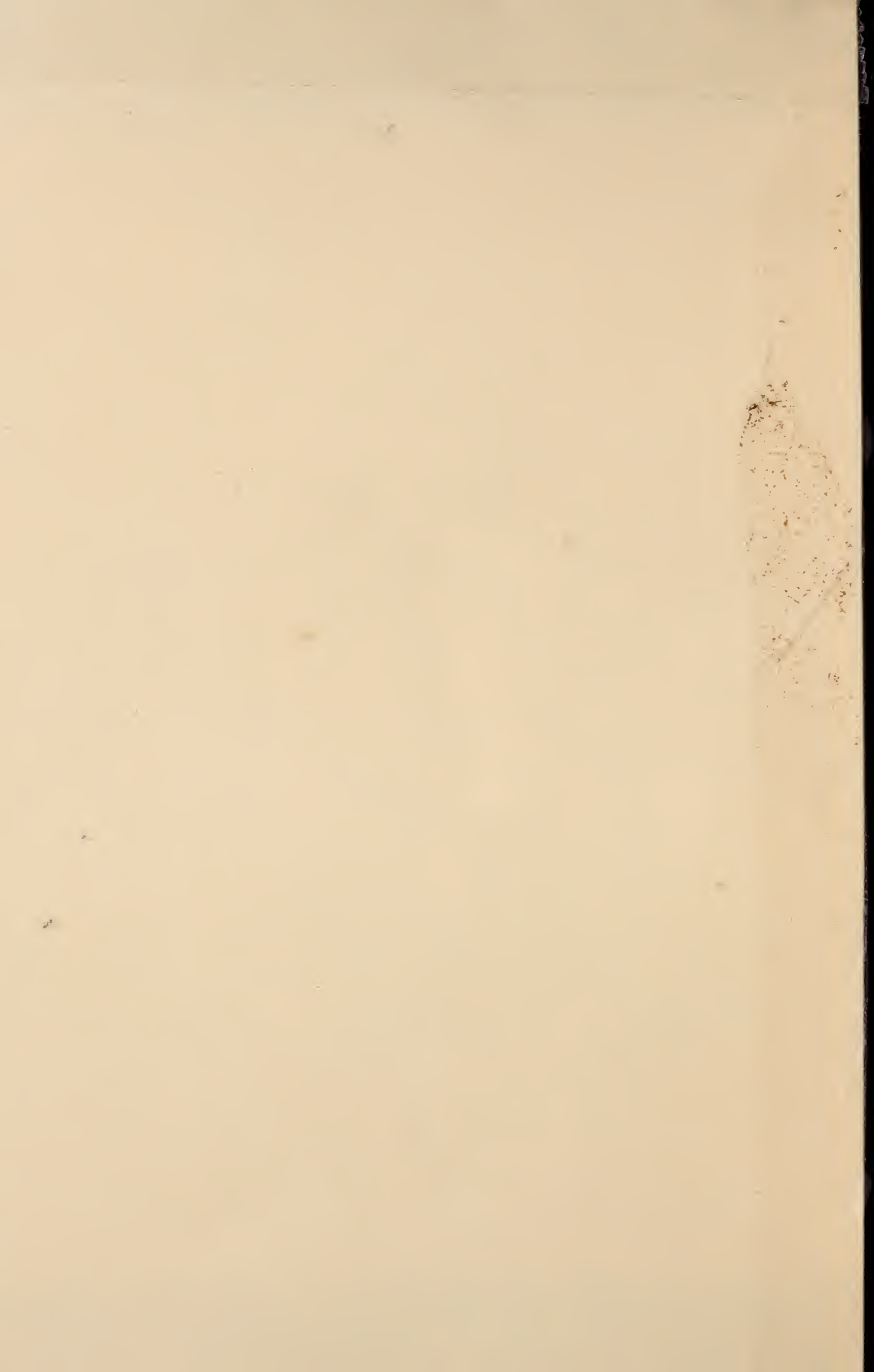


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United States Department of Agriculture

Agricultural Marketing Administration

NOTICES OF JUDGMENT UNDER THE INSECTICIDE ACT

[Given pursuant to section 4 of the Insecticide Act]

1812-1825

[Approved by the Assistant Secretary of Agriculture, Washington, D. C., September 3, 1942]

1812. Adulteration and Misbranding of "Roach Olio Caps." U. S. v. Pruden Chemical Company, a corporation. Plea of nolo contendere as to counts 1, 2, 3, 4, 7, and 8. Counts 5 and 6 dismissed. Fined \$20. (I. & F. 2173, Sample Nos. 28988-D, 79182-D).

Samples of the product were found to consist of a green paste containing flour and a small amount of sodium arsenite and to contain less than 6 percent of arsenic trioxide, the amount stated on the label. The label did not bear the required statement of ingredients. The label bore unwarranted claims as to the effectiveness of the product for killing roaches and silverfish.

On May 21, 1940, the United States Attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Pruden Chemical Company, a corporation of Orlando, Fla., alleging interstate shipments on or about June 1, 1938, and June 19, 1939, from Orlando, Fla., into the State of Georgia, of a quantity of "Roach Olio Caps," which was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold; namely, "Arsenic Trioxide 6%."

The product was alleged to be misbranded in that the statements, namely, "Active Ingredient Arsenic Trioxide 6%" and "ROACH OLIO CAPS Kills cockroaches and silverfish Kills Roaches as Nothing Else Does Kills roaches while you sleep Silverfish eat the Olio It kills them COCKROACHES AND SILVERFISH, two destructive pests IN Homes, Apartments, Libraries, Museums, Institutions, Hotels, Public Buildings, Storage Warehouses, Theatres, Colleges, Ships and many Manufacturing Plants. Use plenty of Roach Olio Caps. Place them in bookcases, cupboards, clothes closets, pantries, under refrigerators, stoves, sinks, drainboards, in attics near trunks, boxes, etc., in dark places where books and magazines are kept, and wherever there are cracks and crevices. Roaches and Silverfish like the Olio; they eat it and die. After they have disappeared it is a good idea to keep the Caps around to get those that may hatch out, or stray insects that may appear later," were false and misleading and tended to deceive and mislead the purchaser, since the product contained less than 6 percent of arsenic trioxide, and, when used as directed, would not kill roaches and silverfish.

The product was misbranded further in that it contained arsenic and the label failed to bear a statement of the total arsenic present therein and of the water soluble arsenic expressed as per centum of metallic arsenic, and also since it consisted partially of inert substances, namely, substances other than sodium arsenite, and the name and percentage thereof, were not stated plainly and correctly on the label, nor in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the article having insecticidal properties, and the total percentage of inert ingredients present therein stated plainly or correctly on the label.

On October 14, 1940, the defendant entered a plea of nolo contendere on counts 3, 4, 7, and 8 of the information, and on March 23, 1942, it entered a plea of nolo contendere to counts 1 and 2. The court dismissed counts 5 and 6. A fine of \$20 was imposed.

GROVER B. HILL,
Assistant Secretary of Agriculture.
535

1813. Adulteration and misbranding of "Pine Oil Disinfectant." U. S. v. Louis Jankner, Joseph Jankner, Morris Jankner, and Paul Jankner, co-partners, trading under the name of the Sanitary Floor Compound Co. Plea of guilty entered by Louis Jankner. Fine \$50. Dismissed as to other defendants. (I. & F. No. 2212. Sample I. D. No. 1041.)

This product was found to possess a phenol coefficient less than that stated on the label, and to contain water and mineral oil, and the label failed to bear the required ingredient statement.

On August 4, 1941, the United States Attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Louis Jankner, Joseph Jankner, Morris Jankner, and Paul Jankner, co-partners trading under the name of the Sanitary Floor Compound Co., alleging shipment in interstate commerce on or about January 7, 1941, from Paterson, N. J., into the State of New York, of a quantity of "Pine Oil Disinfectant," which was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated, in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Pine Oil Disinfectant A Certified Disinfectant Made from Pure Steam Distilled Pine Oil." The product was alleged to be adulterated further, in that another substance, namely, mineral oil, had been substituted in part for the product, that is to say, for pine oil disinfectant made from pure steam-distilled pine oil.

The product was alleged to be misbranded, in that the statements, "Pine Oil Disinfectant A Certified Disinfectant Made from Pure Steam Distilled Pine Oil * * * Phen. Coef.—2 plus * * * Directions. For General Disinfecting and Deodorizing Purposes, Dilute 1 Part Pine Oil to 40 Parts Water," borne on the label, were false and misleading, and by reason of the statements the product was labeled so as to deceive and mislead purchasers, since it did not consist completely of pine oil disinfectant made from pure steam-distilled pine oil, did not possess a phenol coefficient of 2 plus, and was not an effective disinfectant when used as directed. The product was alleged to be misbranded further, in that it consisted partially of inert substances, namely, water and mineral oil, and the name and percentage amount thereof were not stated plainly and correctly on the label; nor, in lieu thereof, were the name and the percentage amount of each and every substance or ingredient of the product having fungicidal properties, and the total percentage of the inert substances present therein, stated plainly and correctly on the label.

On December 9, 1941, the defendant, Louis Jankner, pleaded guilty as charged and was fined \$50. Thereafter, the information was dismissed as to defendants, Joseph, Morris, and Paul Jankner, for want of evidence to establish their connection with Louis Jankner, as partners.

GROVER B. HILL,
Assistant Secretary of Agriculture.

1814. Adulteration and misbranding of "E-Z White Washing Fluid." U. S. v. Joseph Occhipinti and Angelo Bartoli, copartners, trading as the E-Z White Chemical Products Company. Plea of guilty. Fine \$25 and costs. (I. & F. No. 2213. I. D. Sample No. 734.)

Analysis of the product showed that it contained only 2.3 percent of sodium hypochlorite, the only active ingredient present, instead of 4.5 percent as claimed by the label.

On June 14, 1941, the United States Attorney for the Northern District of Ohio, Eastern Division, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Joseph Occhipinti and Angelo Bartoli, copartners, trading as the E-Z White Chemical Products Company, at Youngstown, Ohio. They were charged with the delivery for shipment and shipment in interstate commerce, on or about February 7, 1941, from the city of Youngstown, Ohio, to the State of Pennsylvania, of a quantity of "E Z White Washing Fluid," an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

It was alleged that this product was adulterated, in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Active Ingredients 4.5%, Inert Ingredients 95.5%."

The article was alleged to be misbranded, in that the statements on the label, "Active Ingredients 4.5%, Inert Ingredients 95.5%," were false and misleading

and that, by reason thereof, the article was labeled so as to deceive and mislead the purchaser, since it contained less than 4.5 per centum of sodium hypochlorite, and more than 95.5 per centum of inert ingredients.

The article was alleged to be misbranded further, in that it consisted partially of inert substances (substances other than sodium hypochlorite), which did not prevent, destroy, repel, or mitigate fungi, and the label did not bear a statement giving the name and percentage amount of each and every one of such inert ingredients; nor, in lieu thereof, were the name and percentage amount of the substance having fungicidal properties, and the total percentage of inert substances, stated plainly and correctly on the label.

On January 19, 1942, pleas of guilty were entered and a fine of \$25, and costs, was imposed.

GROVER B. HILL,
Assistant Secretary of Agriculture.

1815. Misbranding of "Fluorex V." U. S. v. American Fluoride Corporation.
Plea of guilty. Fine \$100. (I. & F. No. 2226. Sample I. D. No. 2128.)

The United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the American Fluoride Corporation, alleging shipment in interstate commerce on or about December 16, 1940, from New York, N. Y., into the State of Florida, of a quantity of "Fluorex V" which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The product was alleged to be misbranded in that the statements, "Active Ingredient: Sodium Fluosilicate 75%" and "Fluorex V has proved to be an efficient insecticide, much used in the household for the control of * * * Beetles * * * Poultry raisers find Fluorex V very effective against chicken lice. A pinch of the powder is placed on the various parts of the body. This kills the lice and protects from further invasions," borne on the label, were false and misleading and tended to deceive and mislead purchasers, since the active ingredients consisted of sodium fluoride and sodium silicofluoride and the product when used as directed would not control all household beetles and would not protect from further invasions of lice.

On February 25, 1942, a plea of guilty was entered and a fine of \$100 was imposed.

GROVER B. HILL,
Assistant Secretary of Agriculture.

1816. Misbranding of "Family Brand Knockout Spray." U. S. v. Tri-State Sales Company, a corporation. Plea of guilty. Fine \$100. (I. & F. No. 2231. I. D. No. 2932.)

This product would not kill flies nor control fleas when used as directed and was not an "AA grade" household spray, as stated on the label.

On October 25, 1941, the United States Attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Tri-State Sales Company, a corporation, engaged in business in the city of Albany, State of Georgia. It was charged with the delivery for shipment and shipment in interstate commerce, on May 6, 1941, from the city of Albany, State of Georgia, to the city of Opelika, State of Alabama, of a quantity of "Family Brand Knockout Spray," a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements on the label, "Family Brand Knockout Spray AA Grade Kills—Flies * * * and other insect pests * * * Directions: Flies * * * Close doors and windows. Spray toward ceiling until room is fogged. After 10 min. open windows, sweep up and dispose of dead insects. * * * Fleas * * * Spray flea infested rugs, top and bottom, thoroughly," were false and misleading, and that by reason thereof the article was labeled and branded so as to deceive and mislead the purchaser, in that the statements purported and represented that the article, when used as directed, would kill flies and would control fleas, and that it was an AA grade household spray, whereas, it would not kill flies or control fleas and was not an AA grade household spray.

On January 16, 1942, a plea of guilty was entered by the defendant and a fine of \$100 was imposed.

GROVER B. HILL,
Assistant Secretary of Agriculture.

1817. Adulteration and misbranding of "Miller Copoloid." U. S. v. 120 six-pound bags of "Miller Copoloid." Relabeled and released. (I. & F. No. 2240. I. D. No. 3137.)

The product was not effective against fungus diseases of apples which are controlled by copper sprays and was injurious to vegetation on which it was intended to be used.

On October 18, 1941, the United States Attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 120 six-pound bags of "Miller Copoloid" at Charles Town, W. Va., alleging that the article had been shipped in interstate commerce on or about July 1, 1941, by the Miller Chemical & Fertilizer Corporation from Baltimore, Md., and charging that it was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that it was intended for use on vegetation, namely, apples, cherries, and pears during such periods as copper sprays are commonly used on these crops, and, if used thereon as directed, the product would be injurious to such vegetation.

The product was alleged to be misbranded in that the statements, namely, "Miller Copoloid A colloid copper fungicide for use on certain fruit trees, also some other plants as recommended. * * * Copoloid is a fungicide used during certain periods for spraying apples, * * * On apples, * * * use from 2 to 2½ lbs. of Copoloid to make 100 gallons of spray," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since the product, when used as directed, is not effective against the fungus diseases of apples which are controlled by copper sprays.

On April 9, 1942, the Miller Chemical Corporation, having filed claim to the product, the court ordered its release after payment in full by the claimant of the costs of the proceeding, and after relabeling by deleting and marking out from the original labels on one side the words:

DIRECTIONS

Copoloid is a fungicide used during certain periods for spraying Apples, Pears, Cherries, Grapes, and some other plants. On Apples, Pears, Cherries, Grapes, etc., use from 2 to 2½ lbs. of Copoloid to make 100 gallons of spray.

Copoloid is especially designated for use in dormant spraying in combination with oil sprays. Always puddle Copoloid in water before adding to the oil spray.

and on the other side the words:

A colloid copper fungicide for use on certain fruit trees, also some other plants as recommended.

GROVER B. HILL,

Assistant Secretary of Agriculture.

1818. Misbranding of "Empecopine." U. S. v. John L. Hale. Plea of guilty entered. Fine of \$40 imposed. (I. & F. No. 2245. I. D. No. 2298.)

The product was not a disinfectant when used as directed and contained 21 percent water, an inert ingredient, and the label failed to bear the required ingredient statement.

On December 31, 1941, the United States Attorney for the Eastern District of Washington, acting upon a report of the Secretary of Agriculture, filed in the district court, an information against John L. Hale, trading as the Empire Chemical Company at Spokane, Wash., alleging interstate shipment on or about March 24, 1941, into the State of Montana, of a quantity of "Empecopine" which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be misbranded in that the statements, "Empecopine * * * Disinfectant and Deodorant * * * FOR GENERAL USE—Mix 1½ cupsful (12 ounces) of EMPECOPINE to a pail of water for mopping, scrubbing, cleaning and sprinkling floors, walls and cellars in office buildings, restaurants, factories, mills, schools, etc. * * * DRAINS—Pour a table-spoonful of undiluted EMPECOPINE into the drain night and morning," borne on the label, were false and misleading and tended to deceive and mislead purchasers, since the product, when used by sprinkling as directed, would not

disinfect floors, walls, and cellars in office buildings, restaurants, factories, mills, schools, etc., and, when used as directed, would not disinfect drains.

The product was alleged to be misbranded further in that it consisted partially of an inert ingredient, water, and the name and the percentage amount thereof were not stated plainly and correctly, or at all, on the label; nor in lieu thereof were the name and percentage amount of each and every substance or ingredient of the said article having fungicidal properties, and the total percentage of the inert ingredient present therein, stated plainly and correctly on the label.

On April 8, 1942, the defendant entered a plea of guilty and was fined \$20 on each of the two counts, which fine was paid.

GROVER B. HILL,
Assistant Secretary of Agriculture.

1819. Adulteration and misbranding of "Del-Tox." U. S. v. 20 cases of Del-Tox. Default decree of condemnation, forfeiture, and destruction. (I. & F. 2252. I. D. No. 3602.)

On December 15, 1941, the United States Attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district a libel praying the seizure and condemnation of 20 cases, more or less, of Del-Tox, each case containing 12 quart bottles. It was alleged that the article had been shipped in interstate commerce, on or about April 10, 1941, from Cincinnati, Ohio, to Covington, Ky., and was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated, in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Active Ingredients—Sodium Hypochlorite 5%, Inert Ingredients, 95%. By Volume."

The product was alleged to be misbranded, in that the statements, "Active Ingredients—Sodium Hypochlorite 5%, Inert Ingredients 95% By Volume," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, because the article contained sodium hypochlorite in a proportion less than 5 per centum, and inert ingredients in a proportion greater than 95 per centum, by volume.

On January 13, 1942, no claimant having appeared, judgment of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

GROVER B. HILL,
Assistant Secretary of Agriculture.

1820. Misbranding of "Pine-O-Lene." U. S. v. Henry V. Smith, doing business as H. V. Smith & Company. Plea of guilty entered. Fine of \$10 on each of two counts (I. & F. No. 2254. I. D. No. 3784.)

Analysis of the product showed it to contain 23 percent of water and the label failed to bear the required ingredient statement. The label incorrectly stated the product to be nontoxic.

On March 23, 1942, the United States Attorney for the District of Minnesota, Third Division, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Henry V. Smith trading as H. V. Smith & Company, St. Paul, Minn., alleging shipment in interstate commerce on or about September 12, 1941, of a quantity of "Pine-O-Lene" which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

"Pine-O-Lene" was alleged to be misbranded in that the statement "It is nontoxic," borne on the label, was false and misleading and tended to deceive and mislead the purchaser, since the product was in fact toxic. This article was alleged to be misbranded further in that it consisted partially of an inert substance, namely, water, and the name and the percentage amount thereof were not stated plainly and correctly, or at all, on the label; nor, in lieu thereof were the name and percentage amount of each and every substance or ingredient of the article having fungicidal properties, and the total percentage of the inert substance so present therein, stated plainly and correctly on the label.

On March 23, 1942, a plea of guilty was entered and a fine of \$10 on each of two counts was imposed.

GROVER B. HILL,
Assistant Secretary of Agriculture.

1821. Adulteration and misbranding of "Sodium Fluoride." U. S. v. 55 Barrels, more or less, of Sodium Fluoride. Decree of condemnation and product relabeled and released under bond. (I. & F. Nos. 2257 and 2258. I. D. Nos. 2388 and 2389.)

The product was labeled 'Sodium Fluoride' but consisted of a mixture of sodium fluoride, sodium carbonate, calcium compounds, and other substances.

On February 11, 1942, the United States Attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 55 barrels of "Sodium Fluoride" at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on November 12 and 13, 1941, by the Cole Laboratories, Inc., from Long Island City, N. Y., and charging that the article was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that (1) its strength and purity fell below the professed standard and quality under which it was sold, and (2) other substances had been substituted in part from the article, that is to say, sodium fluoride.

The product was alleged to be misbranded in that the statement "Sodium Fluoride," borne on the label, was false and misleading and tended to deceive and mislead the purchaser, since the article consisted of a mixture of sodium fluoride, sodium carbonate, calcium compounds, and other substances, and it was misbranded further in that it consisted partially of inert substances, other than sodium fluoride, which would not prevent, destroy, repel, or mitigate insects, and the label did not bear a statement of the name and percentage amount of each and every one of such inert ingredients, nor, in lieu thereof, was the name and percentage amount of each and every ingredient having insecticidal properties, and the total percentage of the inert ingredients, stated plainly and correctly on the label.

On March 13 and 26, 1941, the court entered decrees of forfeiture and condemnation. Bonds acceptable to the court were furnished by the consignees, whereupon the product was released to the consignees on condition that it would not be sold or otherwise disposed of contrary to the laws of the United States, or any State, Territory, or Insular possession and that it would be relabeled under the supervision of a representative of the Insecticide Division, Agricultural Marketing Service.¹

GROVER B. HILL,
Assistant Secretary of Agriculture.

1822. Adulteration and misbranding of "Standard Cresol Compound U. S. P. XI (Liquor Cresolis Saponatus)." U. S. v. 3, more or less, 55-gallon drums of the product. Default decree of condemnation, forfeiture, and destruction entered. (I. & F. No. 2259, I. D. No. 3969.)

On or about February 25, 1942, the United States Attorney for the Eastern District of South Carolina, acting upon a report of the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3 drums each containing 55 gallons of a product bearing the name "Standard Cresol Compound U. S. P. XI (Liquor Cresolis Saponatus)" at Orangeburg, S. C., alleging that the article had been shipped in interstate commerce on or about December 4, 1941, by the Standard Disinfectant Company, Memphis, Tenn., and charging that it was adulterated in that the statement quoted above, borne on the label, represented that it was a standard cresol compound, whereas it was not a standard cresol compound as prescribed in the United States Pharmacopoeia XI, but another substance, tar acids, had been substituted in part for cresol. It was alleged further, that the article was misbranded, in that it was not a standard cresol compound but consisted of a mixture of soap, water, glycerine, and tar acids, and in that the statements, "Cresol 51%, soap 33¾%, Inert Ingredients 15¼%," borne on the label, were false and misleading because the active ingredients of the article consisted of soap, cresol, and other tar acids, and the product contained less than 51 percent of cresol and more than 15¼ percent of inert ingredients.

On April 2, 1942, judgment of condemnation and forfeiture was entered. The United States Marshal was ordered to destroy the product so condemned and forfeited.

GROVER B. HILL,
Assistant Secretary of Agriculture.

¹ The Agricultural Marketing Service, except the Agricultural Statistics Division, was merged in February 1942 with other Department agencies to become the Agricultural Marketing Administration.

1823. Misbranding of "Buchanan Gnat Oil." U. S. v. R. B. Buchanan Seed Company, a corporation. Plea of guilty on count 2. Count 1 dismissed. Fine of \$75 paid. (I. & F. No. 2262. I. D. No. 1869.)

Analysis of the product showed it to contain over 92 percent water and the label failed to bear the required ingredient statement.

On April 6, 1942, the United States Attorney for the Western District of Tennessee, Western Division, acting upon a report of the Secretary of Agriculture, filed in the district court an information against the R. B. Buchanan Seed Company, a Tennessee corporation, alleging shipment in interstate commerce on or about March 29, 1941, from Memphis, Tenn., into the State of Arkansas, of a quantity of "Buchanan Gnat Oil," which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be misbranded in that the statements "For * * * Flies, etc." and "An excellent * * * Fly Repellent" were false and misleading and tended to deceive and mislead the purchaser, since the article when used as directed would not repel flies nor all other insects represented by the abbreviation "etc." The product was alleged to be misbranded further in that it consisted partially of an inert substance, water, which would not prevent, destroy, repel, or mitigate insects, and the label did not bear the name and percentage amount of the inert substance, nor, in lieu thereof, were the name and percentage amount of the ingredients having insecticidal properties, and the total percentage of the inert ingredients, stated plainly and correctly on the label.

On May 2, 1942, the defendant entered a plea of guilty to the charges contained in count 2 of the information. A fine of \$75 was imposed and paid. Count 1 of the information was dismissed.

GROVER B. HILL,
Assistant Secretary of Agriculture.

1824. Adulteration and misbranding of "PLEE-ZING KLE-CUE BLEACH." U. S. v. 235 Cases, more or less, of "Plee-Zing Kle-Cue Bleach." Default decree of condemnation, forfeiture, and destruction, entered. (I. & F. No. 2264. I. D. No. 3630.)

The product was found to contain less sodium hypochlorite and more inert ingredients than was stated on the label.

On March 3, 1942, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 235 cases, more or less, of "Plee-Zing Kle-Cue Bleach," at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about January 19, 1942, by the Barton Chemical Co., from Chicago, Ill., and charging that the product was an adulterated and misbranded fungicide, within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Active Ingredients Sodium Hypochlorite 5½% Inert Ingredients Water 94½%."

The product was alleged to be misbranded in that the statements, "Active Ingredients Sodium Hypochlorite 5½% Inert Ingredients Water 94½%," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since the product contained less sodium hypochlorite and more inert ingredients than were stated on the label.

On May 21, 1942, no one appearing as claimant, an order of condemnation was entered. It was further ordered that "Two Hundred and Thirty-five (235) Cases, more or less, of Plee-Zing Kle-Cue Bleach be wholly destroyed in such manner as in the discretion of the United States Marshal may best serve the public interest."

GROVER B. HILL,
Assistant Secretary of Agriculture.

1825. Adulteration and misbranding of "Sno-San." U. S. v. 197 one-gallon bottles, more or less, of "Sno-San." Default decree of condemnation, forfeiture, and destruction of the product entered. (I. & F. No. 2266, I. D. No. 3853.)

Examination of this product showed that it contained 27 percent less sodium hypochlorite than stated on the label. The volume of the product was 4 percent short of the net contents stated on the label.

On March 9, 1942, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 197 one-gallon bottles of "Sno-San" at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about December 13, 1941, and January 19 and 21, 1942, by the Standard Food Products, Inc., Indianapolis, Ind., and charging that it was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Active Ingredients Sodium Hypochlorite 5.25%."

The product was alleged to be misbranded in that the statements "Active Ingredients Sodium Hypochlorite 5.25% Inert Ingredients 94.75%" and "Net Contents One Gallon," borne on the label, purported and represented that the article contained sodium hypochlorite in a proportion of not less than 5.25 percent and inert ingredients in a proportion of not more than 94.75 percent, and that the net contents were one gallon; whereas the article contained less sodium hypochlorite and more inert ingredients than stated on the label, and the net contents were less than claimed on the label.

The article was misbranded further in that the statements "This is a Restaurant Grade Sno-San For dishwashing use either of the following methods:

(1) Wash the dishes, silver or glassware in warm water and soap or other detergent. Rinse with warm water and immerse in a solution of 1 oz. Sno-San to each 4 gallons of water. Then rinse with clear water.

(2) Wash in hot water with detergent. Then add 1 oz. Sno-San to each 2 gallons of wash water. Finally rinse in clear water.

1 oz. Sno-San to 4 gallons water makes a solution of 100 parts per million available chlorine for rinsing hands."

borne on the tag, were false and misleading and tended to deceive and mislead the purchaser, since the article when used as directed would not be an effective disinfectant and would not make a solution of 100 parts per million of "available chlorine" when diluted as directed.

On April 23, 1942, no claimant having appeared, judgment of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

GROVER B. HILL,

Assistant Secretary of Agriculture.

INDEX TO NOTICES OF JUDGMENT 1812-1825

	N. J. No.		N. J. No.
Buchanan Gnat Oil:		Pine Oil Disinfectant:	
Buchanan, R. B., Seed		Jankner, Louis; Jankner,	
Company -----	1823	Joseph; Jankner, Mor-	
Del-Tox -----	1819	ris; Janlner, Paul-----	1813
Empcopine:		Sanitary Floor Compound	
Empire Chemical Co.-----	1818	Co.-----	1818
Hale, John L.-----	1818	Pine-O-Lene:	
E-Z White Washing Fluid:		Smith, H. V., & Company--	1820
E-Z White Chemical		Plee-Zing Kle-Cue Bleach:	
Products Co.-----	1814	Barton Chemical Co.-----	1824
Occhipinti, Joseph, and Bar-		Roach Olio Caps:	
toli, Angelo-----	1814	Pruden Chemical Company--	1812
Family Brand Knockout Spray:		Sno-San:	
Tri-State Sales Co.-----	1816	Standard Food Products,	
Fluorex V:		Inc.-----	1825
American Fluoride Corpora-		Sodium Fluoride:	
tion -----	1815	Cole Laboratories, Inc.-----	1821
Miller Copoloid:		Standard Cresol Compound U. S. P.	
Miller Chemical & Fertilizer		X1 (Liquor Cresolis Sap-	
Corporation-----	1817	onatus):	
		Standard Disinfectant	
		Company-----	1822